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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/585,709	07/10/2006	Byung-jin Chun	JCLA21326	7195
J.C.PATENTS 4 VENTURE, SUITE 250 IRVINE, CA 92618				
EXAMINER ROMAIN, PINEL E				
ART UNIT 3612				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/585,709

Applicant(s)

CHUN, BYUNG-JIN

Examiner

PINEL E. ROMAIN

Art Unit

4155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 7/10/06.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7-10 is/are allowed.
- 6) ☒ Claim(s) 1-6 and 11-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 July 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date 7/10/06

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. The drawings are objected to because the slots (235 a, 235c) in element 23 disclose and wings (40) in fig. 8 and fig.1 does not appear to have sufficient length to allow the cover to open and close without binding. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The disclosure is objected to because of the following informalities: "roatably" is misspelled. Appropriate correction is required.

Claim Objections

Claim 4, is objected to because of the following informalities: line 4, "of the guide" seems to be repeated twice in error. Appropriate correction is required.

Claim 11 is objected to because of the following informalities: the limitation in line 2, "roatably" is spelled incorrectly. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 11 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The limitation "the rope having a portion hung down on **the opposite outside of the pulley**" line 4 does not clearly define where the rope is located with respect to the pulley. In formulating a rejection on the merits, the phrase is "on the opposite outside of the pulley will be considered" "a rope on the opposite side of the pulley" appropriate correction is required to clarify the limitation.

Claim Rejections - 35 USC § 102

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by SATOMI (Japan, 11-151939).

Consider claim 1, SATOMI discloses an apparatus for opening and closing a roof of a container (101, fig.1), the roof being formed by joining a cover (102, fig.1) to an opened top end of the container (101, fig.1). SATOMI discloses the apparatus comprising of a pair of guide rails (41, fig. 1) installed on top ends of both side (57, fig. 7a) walls of the container (101, fig.1), respectively. SATOMI further discloses the cover supporting members(1, fig. 1) disposed on the guide rails (41, fig. 1) for supporting the cover (102, fig. 1), both ends of the cover supporting

member(1, fig.1) being installed to slide on the guide rails (41, fig. 1) respectively. SATOMI further discloses a sliding means (4, fig. 1) for sliding the cover supporting members(1, fig.1) and further discloses the brace bars foldably (34, fig. 3c) connected (36, 4b) to the cover supporting members(1, fig. 2a) for connecting the adjacent cover supporting members (1, fig.2a), whereby the cover supporting member(1, fig. 1) slide along the guide rail (41, fig. 1) to open and close the cover (102, fig. 1 a,).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

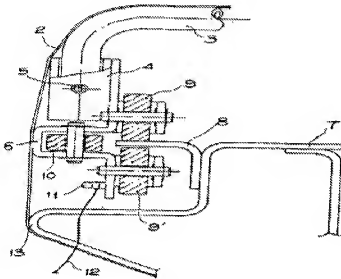
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 3,4,5,6 are rejected under 35 U.S.C. 103(a) as being unpatentable over SATOMI (Japan 11-151939) in view KIM (KOREAN 1985-00168030).

Consider claim 2, SATOMI discloses the apparatus according to claim 1, wherein the guide rail **(41, fig. 1)** includes: a rail frame (42, fig. 6f) having a shape of "c", the rail frame (42, fig.6f)being installed on each top end of both side walls of the container. However SATOMI does not disclose a guide having a shape "upside down reverse L" of the guide **(41, fig. 1)** being formed on an inner side of a center part of the rail frame to guide the slide of the cover supporting member. Kim discloses a guide (7, reference A, shown below) having a shape "The upside down reverse "L" attached to side of the guide. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the apparatus in claim 1 taught by SATOMI with the inner center guide (7, reference, fig. A) taught by KIM to achieve to

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achieve the claimed invention wherein, the bow would have increase stability and reduce binding of the rollers.



Reference A – Kim (Korean 1988-0003696)

Consider claim 3, SATOMI as modified, discloses the apparatus in claim 2, wherein the cover supporting member (102, fig.1 includes: a bow bar (1, fig.1) for supporting the cover (102, fig.1) and a roller devices(42, fig. 6) connected to both ends of the bow bar(1, fig.1) respectively and slide along the guide rail (41,fig.1). SATOMI further discloses a brace holder (36, fig. 5) connecting the roller device (42, fig. 6e) and the bow bar (1, fig.1) by interposing between the bow bar (1, fig. 1) and the roller device (42, fig. 6b) the brace holder(36, fig. 5) being connecting with the brace bar (11, fig. 3b).

Consider claim 4, SATOMI as modified discloses the apparatus accounting claim 3, wherein the roller device (4, fig. 6b) includes: a joining member (6, fig. 3c) joined to the brace holder (36, fig. 4b). SATOMI as modified does not disclose a plurality of rollers. However, Kim

discloses a plurality of rollers (Reference A, above in claim 2) slidable along an upper surface (8, reference A). Kim further discloses both side surfaces of the guide rail (41, fig.1), respectively and a roller supporting member (3, Reference A, above in claim 2) extended to the connecting member (3, Reference A, above in claim 2) to rotatably support each of the rollers. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify apparatus in claim 4 taught by SATOMI with the plurality of rollers taught by KIM to achieve the claimed invention, whereby maintain the rollers free of dirt and sand, thus preventing binding of the cover when opening and closing the top.

Consider claim 5, SATOMI as modified, discloses the roller supporting member (42, fig.6d) discloses the apparatus in claim 4. SATOMI as modified discloses the roller supporting member (42, fig 6d) includes a first roller supporting part(10) horizontally extended to the front end of the body to rotatably support the roller sliding along the upper surface of the guide (41, fig 6d) and a body extended from the joining member(43, fig 6d). SATOMI discloses further discloses a first roller supporting part (42, fig. 6d) horizontally extended to the front end of the body to rotatably support the roller slid along the upper surface of the guide (41, fig 6d). SATOMI does not teach a second roller supporting part (4, Reference A, above in claim 2) extended vertically downward (Reference A, above in claim 2) and a third roller supporting part connected to the lower end of the second rollers supporting part to be spaced in parallel with the second roller supporting part. However KIM teaches a second roller supporting part (4, Reference A, above in claim 2) extended vertically downward from the front end of the body to rotatably support the roller sliding along one side surface of the guide (6, Reference A, above in claim 2) and a **third roller** supporting part (12, Reference A, above in claim 2) connected to the lower end of the second rollers supporting part (11, Reference A, above in claim 2) to be

spaced in parallel with the second roller supporting part, to rotatably support the roller slide along the other side surface of the guide. (see fig. below, Kim 1988003696). It would have been obvious to one of ordinary skill in the art at the time of the invention was made motivated to modify apparatus in claim 4 taught by SATOMI with additional rollers taught by KIM to achieve the claimed invention, whereby, the additional rollers would reduce the binding of the cover while being in operations.

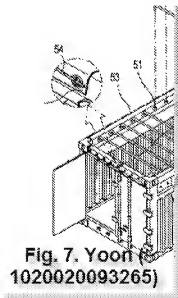
Consider claim 6, SATOMI as modified discloses the apparatus accounting claim 5, wherein each of the roller supporting parts (Reference A, above in claim 2) is formed with a center portion (8, reference A). SATOMI as modified does not disclose having a projected rounding shape toward the guide. It would have been an obvious matter of design choice to include a projected round shape toward the guide. Since applicant has not disclosed that rounded shape solves any stated problem or is for any particular purpose and it appears that the invention would perform equally as well with flat or rectangular projection as disclosed. The flat shape would reduce the cost in manufacturing the track support by eliminated an additional machine process.

Claims 11,12, 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over SATOMI (Japan, 11-151939) and KIM (KOREAN 1985-00168030) as applied to claim 3 above, and further in view of Yoon (Korea, 10-200293265) and Henning (US 5,429,408)

Consider claim 11, SATOMI as modified, discloses the apparatus according to claim 3, wherein the sliding means includes: a pulley (5, fig. 1) installed rotatably at the rear side of the guide rail(41, fig.1) . SATOMI does not disclose the rope having a portion hung

down on the outside of the pulley where both ends joined to one end of the cover supporting member positioned in the front most side or the rearmost side of the container. SATOMI does not disclose a weight body for preventing the opening and closing rope from becoming loose by pulling down the opening and closing rope with its own weight, while causing the opening and closing rope to pass therethrough when pulling the opening and closing rope. However, Yoon discloses the rope (8, join to the cover supporting member (8, fig.2) at the rearmost side of the container (50, fig. 7). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify apparatus in claim 3 taught by Satomi with fixing rope taught by Yoon to achieve the sliding means to one end of the cover. Henning discloses a rope (92 a-b, fig.12, col. 5, line 30) having both ends joined to one end of the cover at the side to the container. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify apparatus in claim 3 taught by SATOMI with location of the rope and taught by Henning to achieve rope sliding means. Furthermore, examiner asserts official notice that the weight at the end of the pair of ropes is well known in the art. Wherein the cover of the roof can be opened in vertical blind matter to ease the loading and unloading of goods(Yoon, paragraph [0029])

Consider claim 12, SATOMI as modify, discloses the apparatus according to claim 11, Satomi does not disclose the sliding means further includes a supporting plate provided with the roller device, Satomi does not disclose the supporting plate being formed with a pair of rope (54)passing holes(51) spaced right and left for causing the opening and closing rope to pass there through. However, Yoon discloses the supporting plate (53, shown below)



It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify apparatus in claim 11 taught by SATOMI with the rope configuration taught by YOON to achieve the claimed sliding means. The rope configuration would make opening and closing the cover similar to vertical blind thus preventing injuries for the operator. (Yoon, paragraph [29])

Consider claim 14, SATOMI as modified discloses the apparatus according to claim 3, wherein the sliding means is a pair of opening and closing ropes (54, Yoon) respectively connected to the roller devices (58, fig.7b) to open and close the cover by an operator. SATOMI does not disclose the two workers simultaneously pull at the ropes frontward or rearward. Henning disclose an operator (fig.1 col. 3,line 54) rearward (fig.3) to open the cover. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify apparatus in claim 3 taught by SATOMI to add an additional operator, one on each side of the container to improve efficiency of unloading the container.

Claims 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over SATOMI (Japan

11-151939) in view KIM (KOREAN 1985-00168030) and in further view of Henning (US 5,429,408)

Consider claim 13, SATOMI as modified, discloses according to claim 3, wherein the sliding means is on opening and closing is rope (57, chain fig. 4a) positioned at the frontmost side of the container in order to open and close the cover by pulling at the opening and closing rope. SATOMI as modified does not disclose the rope is connected to the center of the bow bar. However, Henning discloses a cable (93 cable, col. 6, lines 30-32 fig. 3) is connected to center bow bar. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the apparatus in claim 3 taught by SATOMI with the tensioning apparatus such a cable taught by Henning with a rope to open and close the apparatus from the center, wherein the tarp will be open and close from the back of the container instead of the side and would reduce the labor cost for the truck operator by utilizing one operator.

Claim 15, 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over SATOMI (Japan, 11-151939) in view of (US 6,976,433).

Consider claim 15, 16, SATOMI discloses the apparatus according to claim 1, SATOMI does not disclose the apparatus further comprises a joining means arrayed right and left on a bottom surface of the cover to detachably join the cover to the cover supporting member. Disclose a "Velcro straps .26 secured the inside of the tarp" (26, col.4, line 28). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify apparatus in claim 1 taught by SATOMI with Velcro straps taught by Neumann to achieve the claimed invention, whereby, the tarp would be secured to the supporting member.

Allowable Subject Matter

3. Claims, 7,8,9,10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PINEL E. ROMAIN whose telephone number is (571)270-7013. The examiner can normally be reached on Monday -Thursday From 7:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thu Nguyen can be reached on 571-272-6967. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/PINEL E ROMAIN/

Examiner, Art Unit 4155

/Thu Nguyen/
Supervisory Patent Examiner, Art Unit 4155